

NEW JERSEY HIGHLANDS WATER PROTECTION AND PLANNING COUNCIL
MEETING MINUTES OF JUNE 15, 2017

PRESENT

JIM RILEE) CHAIRMAN
KURT ALSTEDDE) VICE CHAIR
MICHAEL R. DRESSLER) COUNCIL MEMBERS
CARL RICHKO)
MICHAEL SEBETICH)
JAMES VISIOLI)
RICHARD VOHDEN)
ROBERT G. WALTON)

VIA-TELECONFERENCE

TRACY CARLUCCIO)
TIMOTHY P. DOUGHERTY)
MICHAEL FRANCIS)
ROBERT HOLTAWAY)
MICHAEL TFANK)

ABSENT

BRUCE JAMES)

CALL TO ORDER 154TH meeting of the New Jersey Highlands Water Protection and Planning Council to order at 4:04pm.

ROLL CALL

Roll call was taken. Members Carluccio, Dougherty, Francis, Holtaway, and Tfank were present via tele-conference. Member James was absent. All other Council Members were present. *The following staff members were present: Margaret Nordstrom, John Maher, James Humphries, Corey Piasecki, Kim Ball Kaiser, Carole Ann Dicton, Maryjude Haddock-Weiler, Keri Green, Casey Eżyske, Kelley Curran, and Tom Tagliareni. Also present were Lisa LeBoeuf, Assistant Counsel, Governor's Authorities Unit, and Daren Eppley, Deputy Attorney General.*

OPEN PUBLIC MEETINGS ACT

Ms. Tagliareni announced that the meeting is being held in accordance with the Open Public Meetings Act, N.J.S.A. 10:4-6 et seq. The Highlands Council sent written notice of the time, date, and location of this meeting to pertinent newspapers of circulation throughout the State and posted notice on the Highlands Council website.

PLEDGE OF ALLEGIANCE was then recited.

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APPROVAL OF HIGHLANDS COUNCIL MINUTES OF MAY 18, 2017

Chairman Rilee asked for a motion on the Minutes of May 18, 2017.

Member Walton made a motion to approve the Minutes of May 18, 2017. Member Visioli seconded it.

A roll call vote was taken. The Minutes of May 18, 2017 were APPROVED 13-0.

CHAIRMAN'S REPORT

There was no Chairman's report.

EXECUTIVE DIRECTOR'S (ED) REPORT

Ms. Nordstrom noted that Council received the New Jersey Statewide Water Supply Plan (Plan) some time ago and NJDEP has a requirement to consult with Council on the Plan. To fulfill that requirement, it is anticipated that Dan Kennedy, Assistant Commissioner, Water Resource Management, New Jersey Department of Environmental Protection (NJDEP) will attend the July 20, 2017 meeting. NJDEP also asked us to submit comments on the Plan, which Council received in draft form in their packets. Council staff has a meeting with NJDEP this coming week to discuss these comments.

Ms. Nordstrom also reported on municipal-issued exemptions:

- Califon Borough, Hunterdon County: Exemption 5 – 1 issued.
- Ringwood Borough, Passaic County: Exemption 1 (eligible for 5) – 1 issued.
- West Milford Township, Passaic County: Exemption 5 – 19 issued
- Hopatcong Borough, Sussex County: Exemption 4 – 1 issued.

RMP AMENDMENT COMMITTEE UPDATE

Chairman Rilee asked for a motion to release the draft MPRR for public comment.

Member Walton made a motion to release the draft MPRR for a period of sixty (60) days. Member Vohden seconded it.

Chairman Rilee noted that Council had thirty (30) days to review the document and Council staff held a meeting prior to today's meeting for further comments/questions.

Council Comment

Member Dressler stated that he preferred that the comment period be changed to ninety (90) days.

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Chairman Rilee noted that the original proposed comment period was for thirty (30) days and the sixty (60) day period represents members request for a longer period.

Member Richko stated that he agreed with Member Dressler.

Members Vohden, Sebetich, and Walton stated that they were in favor of a sixty (60) day comment period.

Chairman Rilee then called for a roll call vote.

A roll call vote was taken. The vote was 8 in favor, 5 opposed. 8 votes are required for Council action under N.J.S.A. 13:20-5.f. The motion was APPROVED 8-5.

Ms. Nordstrom noted that the MPRR will be released to the public after the Governor's review period of Council meeting minutes expires. Ms. Nordstrom also noted that the draft MPRR remains confidential.

PLAN CONFORMANCE COMMITTEE UPDATE

Resolution Approving Petition for Highlands Redevelopment Area Designation, Borough of Bloomsbury, Hunterdon County

Member Walton made a motion on the Resolution. Member Vohden seconded it.

Ms. Nordstrom gave an overview of the process regarding Redevelopment Area Designations and opportunities for review beyond today's vote:

- Council approves Highlands Redevelopment Area Designation
- Applicant applies to NJDEP for a Highlands Preservation Area Approval with Redevelopment Waiver (HPAA)
- Highlands staff comments on HPAA
- Applicant applies at the local level
- Highlands staff has additional opportunity to comment on local application
- If deemed necessary, Highlands Council has a 15-day call-up for additional review after local approval.

Ms. Nordstrom also gave an overview of the three concerns brought up by Council at its February 16th meeting regarding the Bloomsbury application.

1. Carbonate rock area
2. Existing on-site septic system
3. Prime Ground Water Recharge Area

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In conclusion, Ms. Nordstrom noted that the Council had concerns with granting a waiver from the prime groundwater recharge policy, as they have never done a waiver like this before; and it is the reason why Staff recommends a condition requiring mitigation for enhanced recharge.

At this time, Guliet D. Hirsch, Esq. who represents the applicant, Stem Brothers, Inc. gave a history overview regarding this application. Ms. Hirsch also provide information regarding the supplemental information that was provided to the Council on this application. Mr. Stem was also present.

- Applicant hired Geo-Technology Associates, Inc. for a preliminary geotechnical report – consistent with Hunterdon County Soil Survey and no signs of karst conditions
- The applicant, Stem Brothers, Inc., provided a letter stating its long ownership and use of the site and no observable issues with the carbonate rock area – no evidence of any type of land subsidence or sinkholes on the gas station/convenience store site, as well as the undeveloped farming properties (Lot 1.01 and Lot 1).
- Applicant hired Gregory Ploussas, P.E., P.P., C.M.E. for a preliminary septic system evaluation – working satisfactorily and is regularly pumped and maintained

Council Comment

Member Visioli asked Council staff if they reviewed the reports submitted by Ms. Hirsch. Mr. Humphries responded that staff did review the reports, agreed with their findings, and updated staff's report.

Public Comment

Julia Somers, New Jersey Highlands Coalition – Ms. Somers spoke in opposition of the application. Ms. Somers feels the application is new development, not redevelopment based on the groundwater and carbonate rock conditions and preserved lands surrounding the property.

David Shope, Lebanon Township, NJ – Mr. Shope commented that agriculture is a form of development. Mr. Shope also asked where the water goes from this property and what the additional cost has been to the applicant.

David Peifer, Association of New Jersey Environmental Commission – Mr. Peifer spoke in opposition of the application. It is Mr. Peifer's opinion that you need to recharge more to meet recharge requirements regarding karst conditions.

Wilma Frey, New Jersey Conservation Foundation – Ms. Frey commented in opposition of the application because the property is in a water deficit area. Ms. Frey submitted her comments for the record.

Monique Purcell, Department of Agriculture – Ms. Purcell commented that the property (4.5 acres) is next to a cornfield and is in an Existing Community Zone (ECZ). Ms. Purcell agrees that this application should be approved as a Highlands Redevelopment Area Designation.

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Council Comment

Member Richko referred Council to page 107 of the Highlands Regional Master Plan and he does not see that the application meets the requirements for redevelopment in the Preservation Area.

Member Walton noted that he is very familiar with the area and it is not pristine farmland in Hunterdon County. It is next to one of the most industrial spots in Bloomsbury. Member Walton is supporting the project.

There was continued discussion on the application by Council members Richko and Visioli.

Member Carluccio commented that she cannot grant a waiver on groundwater recharge and water deficit areas.

Member Alstede asked Highlands staff to provide an overview map. (A map that also appeared in the February presentation was shown on screen) Mr. Alstede asked if the property is surrounded by preserved farmland, parkland, green acres, etc. Ms. Hirsch responded that there is no preserved farmland adjacent to this property and it is zoned in the B2 zone for retail, industrial and other types of commercial uses in Bloomsbury although it is in the Preservation Area and ECZ. Member Alstede stated the basis for eligibility is regarding the 70% impervious surface.

Mr. Humphries referred Council to Policy 6J1 - "To encourage Preservation Area redevelopment of sites with 70% or greater impervious surface or a brownfield in areas designated by the Highlands Council as Highlands Redevelopment Areas...." Regarding the waiver, Mr. Humphries noted that Policy 7G2 states that the Highlands Council may grant a waiver from the requirements of the RMP for a project designated as a Redevelopment Area by the Highlands Council.

Ms. Hirsch commented that there is a provision in the Act for redevelopment areas in brownfields or parcels that are 70% or more impervious coverage so this is something the Legislature anticipated that Council would be reviewing. Ms. Hirsch added that the Council has in fact approved eleven (11) applications thus far.

Chairman Rilee noted that the applicant was requested by Council at an earlier meeting to provide additional information and this project could stop at any time in the process.

There was continued discussion regarding the application.

A roll call vote was taken. The resolution was APPROVED 9-4.

Bellemead Development Corp.

Ms. Nordstrom updated the Council on the Bellemead Development Corp. application. Highlands Council staff has found the application to be inconsistent and we do not know how this will affect the permit that NJDEP issued, but will keep Council posted.

Chairman Rilee opened the meeting to the general public for comments.

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Public Comment

George Stafford, New Jersey Highlands Coalition – Mr. Stafford asked Council what the hurry is to release the draft MPRR. Mr. Stafford also commented on the Bloomsbury application regarding the importance of a groundwater v. fast food restaurant.

Julia Somers, New Jersey Highlands Coalition – Ms. Somers commented on a process for public involvement, the importance of giving the public appropriate time for input, and allowing the public to attend committee meetings.

Doug Ruccione, Ringwood, NJ – Mr. Ruccione commented on Ringwood's superfund site and the threat to the reservoir. Mr. Ruccione urged Council to uphold the Highlands standards in Ringwood.

Hank Klumpp, Tewksbury, NJ – Mr. Klumpp commented in regards to his loss of equity on his property in the Preservation Area due to the Highlands Act. Mr. Klumpp submitted his comments for the record.

Chuck Urban, Clinton Township - Mr. Urban hopes there is language in the draft MPRR to address landowners who have lost equity on their properties.

David Shope, Lebanon Township, NJ – Mr. Shope commented in opposition of deadlines in regards to Senator Smith and finding money to make landowners whole. Mr. Shope also commented on water deficit areas, the definition of pristine property regarding the Bloomsbury application, septic consumption, and confining growth to certain areas.

Member Walton Holtaway made a motion to adjourn the meeting. Member Alstede seconded it. All were in favor. The meeting was adjourned at 5:11pm.

CERTIFICATION

I hereby certify that the foregoing is a true copy of the minutes of the meeting of the Highlands Water Protection and Planning Council.

Date: 7/20/17

Name: Annette Tagliareni
Annette Tagliareni, Executive Assistant

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**Vote on the Approval of
These Minutes**

	Motion	Second	Yes	No	Abstain	Absent
Councilmember Alstede	_____	_____	✓	_____	_____	_____
Councilmember Carluccio	_____	_____	✓	_____	_____	_____
Councilmember Dougherty	_____	_____	✓	_____	_____	_____
Councilmember Dressler	_____	_____	✓	_____	_____	_____
Councilmember Francis	_____	_____	_____	_____	_____	✓
Councilmember Holtaway	✓	_____	✓	_____	_____	_____
Councilmember James	_____	_____	_____	_____	✓	_____
Councilmember Richko	_____	_____	✓	_____	_____	_____
Councilmember Sebetich	_____	_____	✓	_____	_____	_____
Councilmember Tfanck	_____	_____	✓	_____	_____	_____
Councilmember Visioli	_____	✓	✓	_____	_____	_____
Councilmember Vohden	_____	_____	✓	_____	_____	_____
Councilmember Walton	_____	_____	✓	_____	_____	_____
Chairman Rilee	_____	_____	✓	_____	_____	_____